

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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1199SEIU, UNITED HEALTHCARE	:	
WORKERS EAST,	:	
	:	07 cv. 04816 (GBD)
Plaintiff,	:	
	:	<u>RENEWED NOTICE OF</u>
-against-	:	<u>MOTION TO DISMISS</u>
	:	
RITE AID CORPORATION,	:	
	:	
Defendant.	:	
-----X		

TO: Allyson L. Belovin, Esq.
Levy Ratner, P.C.
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New York, NY 10011
Counsel for Plaintiff

PLEASE TAKE NOTICE that Defendant Rite Aid Corporation hereby renews its motion to dismiss, originally filed June 15, 2007 and fully submitted to the Court on July 23, 2007, and seeks dismissal of Plaintiff's First Amended Complaint in its entirety with prejudice, or in the alternative, seeks summary judgment granting Defendant's requested stay of arbitration. Defendant hereby incorporates and relies upon all of the briefing previously submitted in relation to these pending motions to support this renewed motion with no additional briefing necessary. Accordingly, on a date to be set by the Court, Defendant Rite Aid Corporation will move this Court before the Honorable George B. Daniels, in the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, for an Order pursuant to Fed. R. Civ. P. 12(b)(1) and (6) dismissing the First Amended Complaint in its entirety with prejudice, or in the alternative, for an Order staying arbitration pursuant to Fed. R. Civ. P. 56.

Dated: July 25, 2007
New York, New York

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By:


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